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Patent

Attorney Docket # 5176-14PRCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

Youe-Kong Shue et al.

Patent No.: 7,507,564

Issued: March 24, 2009

For: Tiacumycin Production

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on

April 21, 2009

(Date of Deposit)

Kent H. Cheng

Name of applicant, assignee or Registered Representative

Kent H. Cheng

Signature

April 21, 2009

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. 1.322

SIR:

In compliance with the requirements of 37 C.F.R. 1.322, the undersigned hereby respectfully requests that the attached certificate of correction be issued correcting the Letter Patent as follows:

--(60) Related US Application Data

60/399,956 07/29/2002 ABN--

In the Specification

In column 1, line 1, after the title "Tiacumycin Production," please add:

*Certificate
APR 27 2009
of Correction APR 27 2009*

FIELD OF INVENTION

The invention relates generally to fermentation production of antibiotics and to media used in the same.

RELATED APPLICATIONS

Benefit of priority under 35 U.S.C. 119(e) is claimed herein to U.S. Provisional application No. 60/399,956, filed July 29, 2002 and International Application No. PCT/US2003/021977 filed 15 July 2003. The disclosures of the above-reference applications are incorporated by reference in their entirety herein.

The provisional patent application data was omitted by the USPTO from the face and specification of the Letters Patent. Evidence of this omission can be found on the first page of the specification filed January 11, 2005 (WO 2004/014295 A2) and the Filing Receipt, a copy of which is enclosed herewith.

No fee is due in connection herewith. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By Kent H. Cheng
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Dated: April 21, 2009

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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO : 7,507,564

DATED : March 24, 2009

INVENTOR(S) : Youe-Kong Shue

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

--(60) Related US Application Data

60/399,956 07/29/2002 ABN--

In the Specification

In column 1, line 1, after the title "Tiacumycin Production," please add:

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(51) International Patent Classification⁷:

A61K

DUFFIELD, Jonathan, James [GB/US]; 3865 Albatross Street, #10, San Diego, CA 92103 (US).

(21) International Application Number:

PCT/US2003/021977

(74) Agent: JURGENSEN, Thomas, E.; Catalyst Law Group, APC, 4330 La Jolla Village Drive, Suite 220, San Diego, CA 92122 (US).

(22) International Filing Date: 15 July 2003 (15.07.2003)

(81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(25) Filing Language:

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(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— without international search report and to be republished upon receipt of that report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: TIACUMICIN PRODUCTION

(57) Abstract: Methods, processes and materials for the production and recovery of Tiacumicins produced by culturing a microorganism belonging to the species *Dactylosporangium aurantiacum* subspecies *hamdenensis* having the ability to produce and accumulate one or more Tiacumicin in a nutrient medium comprising a carbon source, a nitrogen source, trace elements such as inorganic salts, and an adsorbent, wherein said nitrogen source comprises fish powder, and wherein said Tiacumicin is produced in a yield greater than about 50 mg/L broth.

WO 2004/014295 A2

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CONFIRMATION NO. 4452
FILING RECEIPT



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Date Mailed: 08/09/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

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Assignment For Published Patent Application

Optimer Pharmaceuticals, Inc., San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 27799.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/21977 07/15/2003
which claims benefit of 60/399,956 07/29/2002 ABN

Foreign Applications

Projected Publication Date: 11/16/2006

Non-Publication Request: No

Early Publication Request: No

AUG

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POTYNSIUSO1

**** SMALL ENTITY ******Title**

Tiacumicin production

Preliminary Class

435

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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